



Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

*One Ashburton Place, Room 1301  
Boston, Massachusetts 02108-1618*

*Phone (617) 727-3200*

*Fax (617) 727-5732*

Mary Elizabeth Heffernan  
Secretary

Thomas G. Gatzunis, P.E.  
Commissioner

### Minutes

#### **Board of Boiler Rules**

**National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481**

**Meeting of January 5, 2012, 9:30 AM**

1. Meeting called to order by the Chairman at 9:30 AM, followed by roll call.

#### Board Members Present:

Brian Logan, Chairman  
Thomas Healy  
Charles Perry  
Ernest Hall

#### Board Members Not Present:

Ray Archambault

#### Guests Present:

George Streeter, DPS  
Mike Burge, DPS  
John Lawrence, DPS  
Tom O'Rourke, DPS  
Dave Gosselin, DPS  
Joseph Pineyro, DPS  
Don Stats, Travelers  
Frank Zarrella, Travelers  
Hector Raymond, CNA  
John Spizuolo, CNA  
Mark Mooney, Liberty Mutual  
Ed Kawa, Liberty Mutual  
Don Stats, Travelers  
Jay Johnson, DPS

Francis Bucchiere, DPS  
Leah Francis, Liberty Mutual  
Tom Stanton, Arise  
Glen Robinson, HSB  
John Spizuolo, CNA  
Mike Robillard, Chubb  
Paul Fiske, Chubb  
Paul Barra, Liberty Mutual  
Bernardo Gubert, Marriott Copley  
Beth McLaughlin, DPS  
Carrie Torrisi, DPS  
Cesar Lastra, DPS  
Holly Bartlett, DPS

2. Minutes of previous meeting: The minutes from the previous meeting on November 3, 2011, were distributed. *A motion to accept these minutes into record was made by Tom Healy, seconded by Charlie Perry, and approved by a unanimous vote.*

3. Petitions for inspectional considerations:

- a. Fountain Plating Company – Request dated November 16, 2011, for 90 day extension of 1 units. *Motion made by , seconded by Tom Healy, to approve this request, seconded by Ernest Hall; request approved by unanimous vote.*
- b. Bristol-Myers Squibb Company - Request dated November 10, 2011, for 6-month extension for 5 units. *Motion made by the Ernest Hall, seconded by Tom Healy, to approve this request; request approved by unanimous vote.*
- c. Coca-Cola Refreshments – Request dated November 14, 2011, for 34- and 37-day extension for 2 units. *Motion made by Ernest Hall, seconded by Tom Healy, to approve this request; request approved by a unanimous vote.*
- d. Courtyard by Marriott – Request dated November 4, 2011, for variance of internal inspection of 2 units (MA#91985 and MA#91987) as required per MGL 146 Section 70. The Chairman read the request submitted by Courtyard Marriott (attached). Mr. Bernardo Gubert, from Courtyard Marriott, answered several questions regarding the age and insurance on the units. Mr. Hall asked Mr. Gubert if the glycol is food grade, or might it pose an environmental threat if containment were compromised. Mr. Gubert could not answer this. *Motion made by Ernest Hall, seconded by Charlie Perry, to postpone action on this request, pending further clarification on several issues. The Chairman will prepare a letter to Courtyard by Marriott with questions from the Board Members. This matter will be re-addressed at the next meeting.*
- e. Pilgrim Nuclear – Request was received by DPS for variance on an air pressure receiver. The Chairman has contacted Pilgrim for additional information (Documentation of prior third party inspections, report of calibration of the testing device, photo of nameplate on the receiver) prior to presenting this request for review by the Board. **This matter will be re-addressed at the next meeting.**

4. Review of CMR 522: The Chairman introduced this topic, and proceeded to review the document by section, acknowledging proposed changes. (These minutes reflect only those changes that precipitated discussion and/or decision by the Board members. The complete recording of this meeting is available from DPS.)

- Section 1.01: ‘Board of Boiler Rules’ has been replaced with ‘The Board’ in this section, and throughout the document.
- Section 2: The words ‘pressure vessel’ were capitalized; The words ‘the board’ were capitalized.
- Section 1.02: Definitions: ‘Alteration’ changed per data report per NBIC 2011. Ernest Hall asked if the 2011 version of the NBIC has been adopted as the code of record? The Chairman answered that the current revision of CMR522 includes such adoption, along with new ASME code. The Chairman went on to describe documentation published by the National Board which acknowledges in the front of the document which codes have been adopted by the state; he then suggested that DPS include this information in the revision of CMR 522, which the Board members agreed would be a good idea. **The Chairman will have a page insert reflecting this change for the next meeting.**
- Definitions of inspectors: Ernest Hall suggested that the different inspector types be listed together in the definitions. The Chairman explained that the listing is alphabetical.
- **Definition of ‘guest speaker’: The Chairman explained that this definition will be removed from the regulation, along with Section 18, since it refers to continuing education required for fireman/engineer licenses, and has no relevance to the Board of Boiler Rules which has no jurisdiction over licensing of firemen/engineers.**

- NBIC definition of owner/user in the text includes the NBIC year. Ernest Hall suggested that the text not include the year each time the code is mentioned, since all instances would have to be changed each time a newer NBIC is adopted; the DPS General Counsel agreed with this suggestion.
- R-1 and R-2 Forms not required for ‘routine’ repairs. Tom Healy pointed out that NBIC does require an R-1 for routine repair, and suggested that the regulation defer to the NBIC language regarding routine repairs.
- **“Removal of heat at a rate of 1200 BTUs”: it was pointed out that the number should read 12,000 BTUs.** The Chairman said that he would check that number.
- Application for Variance: The matter of whether the Chief has the authority to approve these requests was addressed by the DPS General Counsel: As there is nothing in Chapter 146 to preclude this, she suggested that language be added to the Regulation allowing for the Chief to approve variance requests: the Chief can either approve a request for variance, deny the request, or refer it to the Board for a hearing. However, the statute *does* require that the Board address extension requests, so this authority cannot be given to the Chief, unless change is made to the statute. It was pointed out that the Board only meets twice per year, per the statute, and that requests for extensions are received frequently, and often for a short time period.
- Power Boilers/Scope and Application, Section 2.02 – Records: This section will be removed to 520 CMR.
- Applications for Inspections, Section 2.6(1): “...shall make application to the Chief in a format approved by the Department.” Tom Healy pointed out that subsequent inspection requests are not submitted to the Chief, but rather to the appropriate Commissioned Inspector. The General Counsel asked if the intent of this section was to address the first inspection; the Chairman replied that the first inspection was addressed in a different section.
- Section 15: The Chairman asked if the edition of the NBIC code being adopted should be eliminated from this section, but the General Counsel said the edition should be included, since the Board would have to meet when a new edition of the NBIC is released.
- Section 15:04: Charlie Perry regarding proposed changes: All repairs should be pressure tested, so the regulation should include that point. The commissioned inspector or district inspector shall be consulted to approve the pressure test that is to be applied; air or compressed gas pressure tests shall not break the form without the approval of the Chief or his designee; a vacuum test may be permitted if authorized by the inspector. The Chairman asked if a full hydro-static test should be performed? Charlie: A ‘pressure test’, based on what the owner and engineer decide, subject to approval of the inspector. The Chairman suggested that the Board consider this paragraph further before deciding on verbage.
- Page 13 of draft, Application: Ernest Hall suggested that this section include verbage specifying that it applies to first inspections.
- Page 25 of draft, (11): Ernest Hall pointed to the last sentence, that it should include, ‘and steaming capacity.’

This concluded review of current proposed changes to the CMR. The document will be modified to include today’s changes, and reviewed once again by the Board at the next meeting. Once the Board is done making changes, the draft of the regulation will be made available for public review and comment.

## 5. Public Comments

- a. Don Stats: Will the matter of the new certificate fee be addressed at this meeting? Chairman: No.

- b. Frank Zarrella, Insurance Inspector: Should he instruct his clients to file a variance for the external under-pressure inspection of units that are shut down for seasonal purposes? Mr. Zarella also discussed NBIC code change in 2007, and questioned the adoption of NBIC in its entirety.
- c. Glen Robinson: Is the inspection requirement for heating units determined by the number of dwelling units in a building?

Adjournment – The Chairman proposed that the Board meet next on Thursday, March 15. Motion made by Ernest Hall, seconded by Charlie Perry, followed by a unanimous vote to adjourn this meeting at 12:15.

Attachments to Minutes:

Applications for Extensions/Variance Requests